

Meeting Minutes of Regular Meeting of Hanover Board of Selectmen held at Town Hall on Monday, January 27, 2014 @ 7:00 PM.

Present were Chairman Joseph R. Salvucci, Vice Chairman Susan M. Setterland, Harold L. Dunn and Brian E. Barthelmes. Also present: Town Manager Troy B.G. Clarkson and Executive Assistant Ann Lee. Selectman John S. Barry was unable to attend.

At 7:00 PM Chairman Salvucci opened the meeting with a moment of silence for Matthew Cox and Captain James Purcell a 30 year member of the Fire Department. Chairman Salvucci asked if any member of the audience had any comment or discussion item for the Open Forum portion of the meeting; no response.

The Board voted “nunc pro tunc” to approve a One-Day Wine & Malt License to Family Crest Catering, Inc., David Crest for the Friends of Hanover Music event held on January 24th from 7:00 – 11:00 p.m. at 75 Mill Street in accordance with the Board’s Policy. Chairman Salvucci abstained from the vote.

The TM provided the Board with a handout (attached) of employee benefits from 30 communities throughout the Commonwealth for a comparison to the benefits offered to Town employees. The TM noted Labor Counsel has provided a response to the Board’s Personnel Policy revisions which will be discussed in Executive Session. Labor Counsel will attend next week’s meeting. Chairman Salvucci noted the Board will review the material received for the next meeting.

The Board met with Carol Mattes and voted to appoint her to the Education Fund Committee with a term to expire June 30, 2016.

The Board voted to authorize Chairman Salvucci to sign a letter (attached) to Congressman Keating regarding the National Fireworks Site.

The TM noted the adjustments made to the Senior Work-Off Program as requested:

page 3, #7 - Assessed valuation of residence cannot exceed \$700,000 as of January 1, 2014;

#8 - Meet Annual Gross Income (including Social Security) of \$52,000 as an individual or \$78,000 as a couple. May be adjusted annually to coincide with Social Security increases.

#9 – deleted

page 11 - add a signature line for the Finance Director.

The Board voted to approve the Senior Work-Off Program with the changes as presented.

Chairman Salvucci directed the TM to inquire about having Senior’s work at the brush drop off facility and to open/close the gate at Forge Pond Park.

At 7:15 p.m. Chairman Salvucci read the following hearing notice: this Hearing is being held in accordance with MGL c. 138 §64 to determine whether you have violated certain provisions of MGL or the Alcoholic Beverages Control Commission Regulations, to wit; 204 CMR 2.0(2) Permitting an illegality on the licensed premise to wit: MGL c. 138 §34 sale or delivery of an

alcoholic beverage to a person under twenty-one years of age (2 counts). The first alleged violation occurred at approximately 12:30 p.m. on Tuesday, December 31, 2013. The second alleged violation occurred at 6:17 p.m. on Tuesday, December 31, 2013. The Board provided notice to Suhas Patel by Certified Mail on January 14, 2014. Chairman Salvucci called the hearing to order. All parties present to provide evidence and testimony were sworn in; attendees were Police Chief Walter Sweeney, Police Officer Stephen Moar and Suhas Patel, licensee. Chief Sweeney noted on December 31st at approximately 6:17 p.m. at 849 Washington Street, Vintage Wine and Spirits Police Officer Stephen Moar while on duty, in uniform, working a motor vehicle crash scene, in a marked Hanover Police vehicle with lights displayed, while waiting for a tow truck to clear the scene observed a motor vehicle pull into the parking lot of 849 Washington Street; Vintage Wine and Spirits which operates under a retail packaged goods store as authorized by the Selectmen as the Local Licensing Authority. Testimony was turned over to Police Officer Moar. Police Officer Moar noted he made observations of a transaction made in that store. Officer Moar provided the following; he observed a car pull in the northern driveway of the liquor store and pulled past open spaces in front of the store and drove into a dark area of the parking lot where another car was shielding the vehicle from the front of the store. The car was occupied three times. A younger looking male exited the car walked into the liquor store, a short time after the same young looking male exited the store carrying an 18 pack of Budweiser beer. The young male scanned the parking lot and walked over to the vehicle he had gotten out of and as he approached the car, the trunk popped open and he put the beer in the trunk and got into the front passenger seat. Officer Moar noted given his observations he felt the person was under the age of 21. Officer McKeever was with Officer Moar and they made their way over to the vehicle that was still parked, Officer Moar asked the female operator of the vehicle for her ID he also spoke with the male passenger in the front passenger seat who made the purchase if he had an ID he admitted he had a false ID with a Connecticut license which showed him to be age 21. Upon a further search of the motor vehicle they found an 18 pack of Budweiser beer that the male walked out of the store with, an unopened 30 pack of Miller light beer, and an opened 30 pack of Budweiser beer. The three persons were put under arrest at the scene and transported to the station. Prior to leaving the parking lot Officer Moar went back to the store and spoke with Mr. Patel who admitted to making the sale and accepting the Connecticut license of the person who purchased the beer. The persons arrested were processed and Officer Moar had a conversation after post booking with the individual who bought the beer and who admitted to buying the beer that night and making a purchase of a 30 pack Miller lite beer at 12:30 p.m. that same day; which he identified as a female clerk at that time. He told Officer Moar he made another purchase a week before and that in Marshfield it became known to him that the liquor store Vintage Wine and Spirits was an easy place to buy if you had a fake ID, it is general knowledge that it is an easy place to make a purchase and that it is being frequented by the kids in Marshfield. Officer Moar noted that is all I have. Chief Sweeney noted this is the Police Departments case.

Mr. Suhas Patel stated the following relative to a transaction that took place in the store; Mr. Patel noted he saw a pick-up of out of state ID's over the holidays. He does not have a scanner to scan ID's and he has posted a sign on the door and the register that they will not accept out of state ID's. They check identification for everyone who looks under 30. They have regular customers that come in with out of state ID's and they won't sell to them. The previous owner accepted out of state ID's. Mr. Patel noted he checked with the licensing office in Town Hall and was informed it is up to the owner on accepting out of state ID's. He checked with ABCC who told him it is up to the owner. He repeated he now declines out of state licenses.

Chief Sweeney asked Mr. Patel if after being notified by Officer Moar of the violation if he had conversation with his wife, the female clerk, and if it was she who made the transaction earlier in the day. Mr. Patel responded that he asked her and she was there when the guy came in and she confirmed that was the guy, she confirmed that he had been there earlier in the day. Chief Sweeney noted he was making the veracity of the statement that was given to the police.

Chairman Salvucci inquired if Mr. Patel had any more information to offer. Mr. Patel responded "no". Chairman Salvucci closed the hearing and poled the Board asking if there is enough information to confirm a violation has occurred; Roll Call Vote: Selectman Setterland, Yes; Selectman Dunn, Yes; Chairman Salvucci – Yes and Selectman Barthelmes, Yes.

Chairman Salvucci suggested Mr. Patel invest in a machine to scan ID's. Mr. Patel noted he is in the process of trying to purchase one. Chairman Salvucci noted the time frame since the incident and encouraged Mr. Patel to get the scanner on site as soon as possible. Chairman Salvucci also noted local residents who go to college out of state have Massachusetts licenses and not out of state licenses. Mr. Patel noted he no longer takes out of state ID's. Chairman Salvucci inquired if Mr. Patel and his wife are the only people who work in the store. Mr. Patel noted he has one person who works part time once or twice a month. Chairman Salvucci inquired about the ABCC classes; Mr. Patel noted he and his wife are TIPS certified. Chairman Salvucci noted the length of time it has taken Mr. Patel to secure a scanner for ID's and requested he follow up on it tomorrow. Chairman Salvucci noted the multiple violations and it taking Mr. Patel over three weeks to get a scanner and made a recommendation to suspend the license for at least a minimum of two days; the Board agreed. The Board voted to suspend the liquor license to Suhas Patel, doing business as Vintage Spirits, two days for the violations that occurred; all were in favor. Chairman Salvucci directed the TM to send a letter to Mr. Patel to advise him of the two day suspension.

Chairman Salvucci asked Mr. Patel if he had further questions. Mr. Patel asked if you know someone is definitely old enough to purchase liquor and they have an out of state license can we sell to them. Chairman Salvucci responded if it is an out of state license and they have another id that shows they are from out of state that is fine, if they are college age they should have a Mass license not an out of state license.

Chief Sweeney informed Mr. Patel, as the license holder he has the ultimate say as to who he sells to and who he doesn't sell to. The persons age even if they are an age of majority, if you are uncomfortable that they are not in a condition that they should not be purchasing the alcohol, if you have reason to believe they are purchasing alcohol for some illegality with it, like to turn it over to a minor in the parking lot outside, you never have an obligation to complete a sale, that you, as the license holder do not feel comfortable about. There are some basic things you can be doing that would assist you in good decision making to determine who you are selling to one is a physical observance of an individual. Chief Sweeney noted the police officer who was distracted by a motor vehicle crash scene on a busy night that made an observation from some distance away that someone walking into your store who did not look to be 21 years old yet, that person because he had identification which reported him to be 21 completed that sale with you while you were relatively close. Sometimes you need to trust your instincts as well as anything so while in favor of anything automated you can purchase to make that determination it should never be used as a substitute for common sense or a substitute for your observations you make of someone when they come in. When licenses are granted in this Town we send a police detective out to meet with the licensee to give guidelines to utilize if you question someone's id you can call the police station and we do get calls from licensees who say I have someone whose identification is questionable and we will run information to confirm it over the phone if any question we send someone down to deal with that. Sometimes the people are still there and sometimes they run away and we get that false identification off the street. We are here to work with you but you need to work with us. We really need you to take advantage of technology that is out there but make good observations. The ultimate goal is to keep people safe; it is very alarming for the Police Department to receive information that we have an easy mark in the Town and then have that confirmed through our own investigation.

At 7:37 p.m. Chairman Salvucci read the Public Hearing Notice published in the Patriot Ledger on January 17, 2014 (attached). The Board met with David Fresina and James Frasier regarding the transfer of the site specific Wine and Beer liquor license issued to Rocco's. Mr. Frasier noted he is the Manager on Record and has been TIPS certified. Chairman Salvucci requested the applicants meet with the Police Department to avoid any issues down the road. Selectman Setterland made a motion to approve the transfer the wine and malt beverages site specific license for Rocco's on Broadway, 1143 Broadway to Rocco's Italian Pizzeria, LLC., 1143 Broadway, James Frasier as Manager; Selectman Dunn seconded the motion the motion carried unanimously. At 7:41 p.m. Chairman Salvucci closed the Hearing. Police Chief Sweeney was present and informed the applicants that a representative from the Police Department will visit the site once the license is approved by ABCC.

Town Manager Report

- The Town received the MMA Municipal website award for Towns between the size of 5,000 to 15,000 at an awards ceremony on January 25th.

- Town Hall was closed on January 22nd due to a snow storm; the snow budget has now exceeded the budget. The Advisory Committee voted to allow us to deficit spend. We will follow up with the Board with the best way to mitigate those costs.
- Dedham Transfer Station visit is being rescheduled.
- Attended the annual meeting for MIIA we are active with MIIA and earning insurance credits for training that we hold here at Town Hall.
- He will be the guest speaker at the Hanover/Norwell business council meeting next week.
- The Chamber of Commerce State of the Town Breakfast will be held here at Town Hall on February 13th.

The Board met with Carol Mattes, Election Warden Republican Town Committee and Town Clerk, Catherine Harder-Bernier and voted to approve the 2014 Special and Annual Town Meeting and Election Calendar with Un-adopted Changes (attached). The Board recommended the Town Clerk submit Articles for the Town Meeting Warrant to adopt the state statutes.

The Board met with Jonathan Grabowski, Associate Member, Leslie Molyneaux, Brian Durkin, Kenton Greene, Michael Phillips and Rick Kelly members of the CAM Committee. Selectman Brian Barthelmes is the Board's liaison to the Committee. The Committee is discussing submitting an Article for Town Meeting to request funds for additional expenses to have another site other than the High School and creating a not for profit organization a 501c3. The Board inquired if they could consolidate with other Towns to share the costs. The Committee noted they do not always have access to the High School, the funds that come in would support them, and the Cable companies, when the contract nears renewal, will inquire why the funds collected have not been invested into the community. The Board requested the Committee do more research and return with their findings and to meet with the Schools for their input.

Chairman Salvucci asked if any member of the audience had any comment or item for discussion for the Open Forum portion of the meeting; no response.

At 8:25 PM Chairman Salvucci requested a Roll Call Vote of the Board to go into Executive Session in accordance with MGL 30A, Section 21, Subsection 2, to conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel and MGL 30A, Section 21, Subsection 3 to discuss strategy with respect to collective bargaining or litigation that an open meeting may have a detrimental effect on the bargaining or negotiating position of the body. The Board will not reconvene in Open Session. Roll Call Vote: H. Dunn, aye; Chairman J. Salvucci, aye; S. Setterland, aye; and B. Barthelmes, aye. Town Manager Troy B.G. Clarkson and Executive Assistant Ann Lee were also present. Any discussion relative to Police or Fire Chairman Salvucci will recuse himself.

Meeting ended and adjourned at 9:40 PM.